

Reconsideration of the application is respectfully requested.

Claim 5 was previously canceled.

Claim 3 is canceled without prejudice or disclaimer.

Claims 17-19 are added without the introduction of new matter.

Claims 1, 4, 6 and 9 are amended without the introduction of new matter.

Claims 1, 2, 4 and 6-19 are currently pending.

Claims 1, 2 and 6-11 were rejected under 35 U.S.C. §102(e) as anticipated by McFall et al. (U.S. Patent No. 6,183,587, herein “McFall”). Applicants respectfully traverse that rejection.

Claim 1 is directed to an interlabial pad and amended to incorporate features of previously presented claim 3. Amended claim 1 recites, among others, the features that:

an absorbent body for absorbing body liquid, the absorbent body being enclosed in the water permeable surface side sheet and the either the water permeable or water impermeable back side sheet, which are bonded together,

wherein said absorbent body includes a first absorbent body to form a protruding area projecting vertically towards a body side from a flat area extending along a substantial center line in a longitudinal direction of said interlabial pad and a second absorbent body to form said flat area having a substantial plane plate shape,

wherein said first absorbent body is folded in a mountain fold and enclosed in said protruding area, providing a hollow part on the garment side of said protruding area[.]

In the outstanding Office Action, the Examiner asserts that McFall discloses all of the limitations recited in claim 1 except the features relating to the dimensions of the article. However, in McFall, the longitudinally-oriented tube of absorbent material 22 and the base pad 24 are each structured individually, enclosed in sheets respectively, and joined together as shown in Figs. 1 and 2. Accordingly, Applicants submit that McFall does not disclose that the absorbent body, which includes the first absorbent body to form a protruding area and the second absorbent body to form a flat area, is enclosed in the water permeable surface side sheet and either the water permeable or water impermeable back side sheet, which are bonded together, as recited in amended claim 1. Consequently, McFall does not disclose that the first absorbent body, which is included in the absorbent body enclosed in the above-noted sheets that are bonded together, is folded in a mountain fold and enclosed in the protruding area, providing a hollow part on the garment side of the protruding area, as recited in amended claim 1.

Further, the Examiner states that “the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was

not patentably distinct from the prior art device.”¹ However, the formulas recited in claim 1 do not only define the difference in dimension or proportion, but also a shape of the interlabial pad, which spreads toward the bottom. *See*, Figs. 4(a)-(c), for example. Such shape of the interlabial pad effectively prevents a leakage of body fluids. In contrast, as shown in Figs. 1 and 2 in McFall, the protrusion in McFall (i.e., the longitudinally-oriented tube of absorbent material 22) slopes inward, being folded inward at portions joined to the base pad 24. The inward slope of the protrusion forms a space between the wearer and the sanitary napkin. Body fluids then leak into the space, causing a leakage of body fluids.

Therefore, the present invention recited in amended claim 1 is patentably distinguishable over McFall.

Claim 6 is amended to further distinguish over McFall. Amended claim 6 recites that the interlabial pad further includes a second protruding area projecting vertically towards a garment side, extending along the substantial center line in the longitudinal direction of the flat area, that the second protruding area has a second flat area, and that the second flat area is affixed to and overlapped by the flat area of the absorbent body. The Examiner asserts that the sanitary napkin in McFall “comprises a second protruded area 36,38.” However, in McFall, the outer lobes 36,38 are enclosed in the top sheet 40 together with the central lobe 34, projecting vertically toward the body side of a wearer, as shown in Figs. 1 and 2. The tube of absorbent material 22, which includes the central lobe 34 and the outer lobes 36,38, is joined to the one side of the body surface 24A of the base pad 24.

¹ See outstanding Office Action at page 4, the last four lines and page 5, the first two lines.

Therefore, McFall does not disclose that the interlabial pad includes a second protruding area projecting vertically towards a garment side, extending along the substantial center line in the longitudinal direction of the flat area, that the second protruding area has a second flat area, and that the second flat area is affixed to and overlapped by the flat area of the absorbent body, as recited in amended claim 6. Accordingly, the present invention recited in amended claim 6 is further distinguishable over McFall.

Claim 9 is amended to clarify subject matter recited and further distinguishable over McFall. Amended claim 9 recites that the interlabial pad further includes an adhesive portion for adhering the interlabial pad to a wearer's genital area on the body side surface of said flat area. *See*, the Specification, page 11, line 25 to page 12, line 5, and Figs. 8(a) and 8(b), for example.

The Examiner asserts that McFall discloses the embodiment where the wearer inserts her hand in the absorbent. However, as shown in Figs. 39 and 40, such embodiment in McFall is merely provided "to move the displaceable area [i.e., the embodiment] into closer proximity to the space between the wearer's labia."² McFall does not disclose that the interlabial pad includes an adhesive portion for adhering the interlabial pad to a wearer's genital area on the body side surface of said flat area, as recited in amended claim 9. Therefore, the present invention recited in amended claim 9 is further distinguishable over McFall.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and claims 2 and 6-11 dependent therefrom based on McFall.

² See McFall at column 27, lines 15-19, for example.

leakage of body fluids. There is no suggestion to motivate one of ordinary skills in the art to modify the shape of the interlabial pad in Johnson to the shape as recited in amended claim 1.

Therefore, the present invention recited in amended claim 1 is patentably distinguishable over Johnson.

Claim 4 is amended to clarify subject matter recited and further distinguishable over Johnson. Amended claim 4 recites that the interlabial pad includes a water permeable inner sheet, that the inner sheet is provided on the garment side surface of the first absorbent body formed in a folded shape, and that the inner sheet and the surface side sheet are bonded so as to enclose the first absorbent body between the inner sheet and the surface side sheet. The inner sheet is shown, for example, in Fig. 4(c), referred as 58.

In contrast, Johnson does not teach or suggest the interlabial pad having an inner sheet. In Johnson, because the top sheet and the absorbent core are secured by adhesive securement dots 4 at the bottom of the centrally disposed portion 3, secure adhesion would be prevented if an inner sheet were added due to the force of the inner sheet to return to a flat state. Thus, one of ordinary skills in the art would not be motivated to modify the invention of Johnson to add an inner sheet. Therefore, the present invention recited in amended claim 4 is further distinguishable over Johnson.

Claim 9 is amended to clarify subject matter recited and further distinguishable over Johnson. As discussed above, amended claim 9 recites that the interlabial pad further includes an adhesive portion for adhering the interlabial pad to a wearer's genital area on the body side surface of said flat area. The Examiner asserts that Johnson discloses the interlabial pad having a tacking agent 4. However, as shown in Fig. 2 and described at column 2, lines 36-41 in Johnson, the adhesive securement dots 4 are merely provided "to form a raised cylindroidal centrally disposed

Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and claims 2, 4 and 9-13 dependent therefrom based on Johnson.

Claims 14-16 and new claims 17-19 are allowable at least for the reasons advanced for amended claim 1.

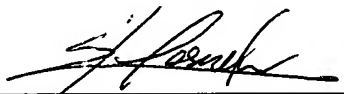
CONCLUSION

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: July 24, 2006

Respectfully submitted,

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